

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER

On June 21, 2011, the court conducted a scheduling conference with counsel for all parties regarding, as requested by plaintiffs (Doc. 33). At this conference a request was made by plaintiffs that the current case management deadlines be accelerated to earlier dates. Defendant's position was that it did not believe an acceleration of the schedule was necessary and that it intended to engage in discovery relating to the named plaintiffs.

During the Rule 16 conference held on April 28, 2011, the court and counsel settled on the following case management deadlines in 2011: (1) September 1 for the addition of plaintiffs and amendments to the pleadings; (2) October 7 for the conclusion of class action discovery and discovery regarding the merits of the claims of the named plaintiffs; (3) November 4 for the filing of a renewed class action motion¹ and summary judgment motions; (4) November 22 for a response to these motions; (5) December 2 for a reply; and December 8 at 10:00 a.m. for a hearing on any then pending class action motion or summary judgment motion. The court's understanding of these deadlines was then and is now that the indicated filings by the parties are to occur not later than the stated dates. At the April 28 hearing, the court indicated that motions could be filed earlier and the court could adjust the case management schedule accordingly. (Doc. 31 at 12, 14.)

¹The court expressed its belief on April 28 that the pending motion for class certification, which was filed in state court, was not sufficient for a determination of the issues prescribed by Federal Rule of Civil Procedure 23. (Doc. 31 at 9.) That original motion remains pending in this action after removal. (Doc. 3.)

At the hearing held on June 21, 2011, the parties indicated that the depositions of the named plaintiffs were scheduled for July and a suggestion was made that a hearing on then pending issues could be held in August. If a renewed class action motion or motion for summary judgment is filed earlier than the not-later-than deadlines set forth above, the court will adjust the hearing schedule accordingly.

Therefore,

IT IS HEREBY ORDERED that the request for an amendment of the case management schedule at this time is denied without prejudice.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on June 21, 2011.